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August 2, 2024

New Hempstead Planning Board
108 Old Schoolhouse Road
New Hempstead, NY 10956

Re: 775 N. Main Street (Hamaspik Choice)

Dear Members:

We represent the applicant in the above matter, which seeks to expand an existing office building. This matter was referred to the Rockland County Planning Department because of its location on Route 45 and proximity to the Village of New Square. The Department recommended modifications to the project. The applicant's responses follow.

1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.

NYS DOT submitted a review letter dated October 3, 2023.

2 A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.

Comment noted. The applicant will comply with all applicable regulations.

3 A review must be completed by the County of Rockland Sewer District No. 1, any comments or concerns addressed, and all required permits obtained.

Rockland County Sewer District No. 1 submitted a review letter dated October 18, 2023.

4 The Village of New Square is one of the reasons this proposal was referred to this department for review. The municipal boundary is approximately 60 feet east of the site, opposite New York State (NYS) Route 45. NYS General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and countywide planning, zoning, site plan and subdivision considerations the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations with respect to the compatibility of various land uses with one another; traffic generating characteristics of

various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards to predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner that is supportive of the goals and objectives of the general area.

The Village of New Square must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of New Square must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

Comment noted.

5. A review of the Fire Truck Radius Plan must be completed by the Rockland County Office of Fire and Emergency Services, Village of New Hempstead fire inspector, or the Moleston/Hillcrest Fire Department to ensure that the site is designed in a safe manner and there is sufficient maneuverability on site for emergency vehicles.

Hillcrest Fire Department submitted a review letter dated July 17, 2024.

6 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Erosion and Sediment Control.

The applicant will comply with all applicable regulations.

7 There shall be no net increase in the peak rate of discharge from the site at all design points.

Complies.

8 A portion of the on-site wetlands are proposed to be filled, and a number of parking spaces will be constructed within the 100-foot wetland buffer. This development will result in the degradation of said wetlands, which will lead to a reduction in the quality of local waterways and exacerbate localized flooding. With the effects of climate change and recent severe storms in the County, it is becoming increasingly important to preserve these resources. A new layout should be proposed that reduces the development within the 100-foot wetland buffer to the greatest extent possible.

The plan proposes the minimum intrusion into the wetland adjacent area that is feasible. Appropriate mitigation measures are also included in the plans.

9 *The site plan indicates that the wetlands were delineated in the field on April 29, 2019. This department recommends that field delineation of on-site wetlands be reconducted to avoid potential negative impacts to the wetlands or any wetland buffers, as the previous delineation occurred over five years ago.*

Wetlands typically do not significantly change over this short a time span. We are requesting to fill an area of 450 square feet under a Nationwide Permit. We will be filling an area of roughly 10% of the 4,356 square feet allowable with no action or permit required by the ACOE.

10 *Areas designated for snow removal must be clearly delineated on the site plan and in the field so that the plow drivers will know where to place the snow piles. Providing specific locations on the site for the snow piles will reduce the loss of available parking spaces meant to be used by employees. In addition, this will help to protect the proposed landscaping from damage due to the weight of the snow and salt intrusion.*

The applicant will work with the Planning Board to locate snow storage areas.

11 *If any new signage is proposed, it must be shown on the site plan and conform to the Village requirements found in Chapter 290, Article X of the Village Code. If any variances are required for the signage, we request the opportunity to review them, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).*

The applicant reserves the right to apply for any appropriate variances.

12 *This department recommends that the applicant use plants that are native to New York for the proposed landscaping to help preserve and promote biodiversity. Native plants are better adapted to the local climate and soils, making them easier to care for, and result in the need for less fertilizer, pesticides, and use of water. They also have deeper root systems that help prevent erosion and increased runoff into local waterbodies. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website: <https://www.dec.ny.gov/get-involved/living-green/sustainable-landscaping>.*

The applicant will use native plants to the extent appropriate.

13 *We request the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).*

Comment noted.

14 *Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action*

taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

Comment noted.

15 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is file with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

Comment noted.

16 The following additional comments are offered strictly as observations and are not part of our General Municipal Law (GML) review. The board may have already addressed these points or may disregard them without any formal vote under the GML process:

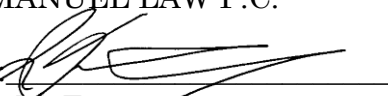
16.1 The project narrative includes a request for parking deferment, as per Section 290-66. However, it does not clearly note that a parking variance is required, as well. According to the parking calculation provided on the site plan, a total of 182 parking spaces will be required for the proposed development. 102 spaces are to be provided with 37 spaces to be held in reserve for a total of 139 spaces. A variance of 43 spaces is required. The narrative should be amended to note this required variance and the Planning Board must take this into consideration in its determination whether to defer the construction of the requested 37 spaces.

The narrative incorrectly failed to note the need for a variance. The need for variances is clearly noted on the site plan as part of the parking calculations.

16.2 The bulk table on the site plan shall be amended to denote that a variance for floor area ratio is required.

The bulk table shows the correct FAR of 0.36, which requires a variance. The asterisk denoting the need for a variance was inadvertently left off. Future submissions will include the asterisk.

Very truly yours,
EMANUEL LAW P.C.

by 
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